CWP No.1630 of 2002

27.9. 2007 Present : Mr.Neeraj Sharma, counsel for the petitioner.
Mr.M.S.Chandel, A.G. with Mr.R.M.Bisht, Dy.A.G. for Respondents 1&2.
Mr.Bimal Gupta, counsel for respondent No.3.

The petitioner has filed the present writ petition in which his grievance is that abusive language has been used against him by respondent No.3 who had referred to the caste of the petitioner while using this abusive language. The petitioner's further grievance is that despite complaints made to the Department the disciplinary authority has not ordered departmental inquiry into the matter against respondent No.3.

Reply has been filed by the respondents and in para 6 of the reply filed by the State it has been stated that the complaint of the petitioner is under consideration of the Regional Transport Authority, Kullu. This reply was filed as far back as on 27th December, 2002. It seems that nothing has happened thereafter. We, therefore, dispose of this writ petition with the following directions:

a) The disciplinary authority of respondent No.3 shall consider the complaint of the petitioner and shall take a dispassionate decision on the facts before him as to whether the departmental inquiry has to be conducted or not. This decision shall be taken within two months from today.

b) In case the disciplinary authority comes to the conclusion that the inquiry is to be conducted then the inquiry shall be completed within four months thereafter.

Any party aggrieved from the decision of the disciplinary authority shall have a right to approach the appropriate forum against such decision.

The petition is disposed of in the aforesaid terms.

(Deepak Gupta),
Judge

Sept. 27, 2007 **(V.K. Ahuja)**
PV **Judge.**